

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION
Tuesday August 28, 2012 Meeting
9:30 a.m.
OPEN SESSION**

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.
2. **ROLL CALL** – Board Members in Attendance, Erick F. Weiland, LeRoy Brady, Douglas Folk, Douglas T. Whitneybell, Jason K. Madison, Edward T Marley, Robert Stanley, Alejandro Angel. Absent was Stuart R. Lane. Staff: Ronald Darlymple, Melissa Cornelius, Kathryn Fuller, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Assistant Attorney General: Elizabeth Campbell.
3. **CALL TO THE PUBLIC** – No members of the Public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the July 24, 2012 minutes with minor modifications. Mr. Whitneybell seconded. After discussion, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:
 - A. Proposed Letters of Concern
 1. M12-021, John P. Murphy, Land Surveyor #13005 – Mr. Murphy and his attorney, David O'Daniel were present and addressed the Board. Mr. Whitneybell moved to dismiss the case. Mr. Madison seconded. After discussion, motion carried.
 - B. Proposed Consent Agreements
 1. M11-037, Scott Richie, Roundabouts and Traffic Engineering – Mr. Richie was present and addressed the Board. Mr. Stanley moved to accept Respondent's signed consent agreement encompassing the following order: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice engineering until such time he has been granted registration by the Board, or is in full compliance with the Board's Statutes and Rules; Pay a civil penalty in the amount of \$2,000.00; and pay a cost of investigation in the amount of \$650.00. Mr. Marley seconded. After discussion, motion carried.
6. **HOME INSPECTOR MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Evaluation of Applications / Requests for Possible Granting of Certification:
 1. Gregg M. Gant, Applicant #120465 – Mr. Gant was present and addressed the Board. Mr. Folk moved to approve the Applicant for certification as a home inspector. Mr. Madison seconded. After discussion, Mr. Folk moved to amend his motion to include that after all registration fees are paid and required documentation is submitted as required. Mr. Madison seconded. After discussion, motion carried.

B. Review, Consideration and Possible Vote on the following:

1. Petition to terminate Probation, Robert R. Hickerson, CHI #41528 – Mr. Folk moved to remove Registrant from probation. Mr. Whitneybell seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Action on the following:

There were no issues for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

Request for Extension to Test

1. Joseph Tuzyk, Land Surveyor Application #061458 – Mr. Folk moved to grant Mr. Tuzyk extension to pass the remaining examinations required for registration to August, 2013. Mr. Stanley seconded. After discussion, motion carried.

Request to Accept Civil PE in lieu of Geological PE

2. Heather Hespeler, Geological Engineer Application #090552 – Ms. Hespeler was present and addressed the Board. Mr. Weiland moved to accept Ms. Hespeler's Civil PE in lieu of requiring her to take and pass the Geological PE, and grant her registration as a Geological Engineer. Mr. Stanley seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff recommendations for the following: (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01.
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§ 32-122, 32-122.01, and 32-123;

5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Stanley moved that the applicants listed in 9(1) be granted professional registration, certification, or In-Training designation; that the applicants listed in 9(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9(3) be granted professional registration; that the applicants in 9(4) be granted professional registrations, certifications, or in-training authorizations to test to those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 9(5) be administratively closed for failure to meet the requirements of the Board with the exception of Robin Stipe, Architect application #050975. Mr. Folk seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Election of Board Officers.

Mr. Weiland opened nominations for the offices of Chairman, Vice Chairman, and Secretary. Mr. Folk seconded. Mr. Weiland was nominated for Chairman, Mr. Brady was nominated for Vice Chairman, and Mr. Stanley was nominated for Secretary. Mr. Folk moved to close the nominations. Mr. Whitneybell seconded. After discussion motion carried. Mr. Folk moved to approve all nominations and appointment of Mr. Weiland as Chairman, Mr. Brady as Vice Chairman, and Mr. Stanley the Secretary. Mr. Whitneybell seconded. Motion carried.

2. Discussion and Direction to Staff regarding how to Process Applications from Military Personnel and their Spouses who have been relocated to Arizona.

Mr. Folk moved to instruct Staff to expedite processing and approval of military personnel and their spouses who have relocated to Arizona under active duty orders and who have met our prerequisites. Mr. Marley seconded. After discussion, motion carried.

3. Discussion and Delegation of Authority to Grant Alarm Company and Personnel Certifications. Ms. Marie Malice, president of the Arizona Alarm Association ("AzAA"), was present and addressed the Board. Mr. Folk moved to table the issue. Mr. Stanley seconded. After discussion, motion carried.

4. Discussion and Vote on the Application/Renewal Fees to Charge Alarm Companies and Personnel. Mr. Stanley moved to table this issue. Mr. Folk seconded. After discussion motion carried.

5. Discussion and Vote on the Legislation and Rules Committee Plan to Send a Survey to Registrants regarding Polling Interest in Mandating Continuing Education in Arizona.

Mr. Whitneybell moved to table the issue until after the November L&R meeting. Mr. Stanley seconded. After discussion, motion carried.

6. Review, Discussion and Possible Direction to Staff regarding Assistant Attorney General, Elizabeth Campbell's advice on the Effective Date of the Board's Authority over the Alarm Industry. Ms. Marie Malice, president of the Arizona Alarm Association ("AzAA"), was present and addressed the Board. Mr. Folk moved to go into Executive Session. Mr. Madison seconded. Motion carried. At 11:05 am Executive Session began, during which the Board consulted with Assistant Attorney General, Elizabeth Campbell. At 11:27am Open Session resumed. Mr. Marley moved to hold implementation of HB 2748 (The Alarm Bill) until May 1, 2013. Mr. Stanley seconded. After discussion, motion carried.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three years and recommended to be cancelled:

Mr. Stanley moved to cancel registrations which have been expired for three years, with the Exception of Mr. David Foster, Environmental Engineer # 34955 who paid his registration fee on August 20, 2012. Mr. Marley seconded. After discussion, motion carried.

- B. Certifications that have been expired for one year and recommended to be cancelled:

None

12. **DIRECTOR'S REPORT** – Director, Ron Dalrymple provided a printed report containing the status of the new computer program and happily announced the decommission of the AS400; a printed cash flow report which he intends to provide from now on at each monthly meeting, and a report concerning the description of the shape, size, and projected income from the implementation of the Alarm Program.

13. **BOARD CHAIR'S REPORT** – Mr. Weiland welcomed the new assistant attorney general, Elizabeth Campbell. No additional information was offered.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – Mr. Folk announced that because there was so much material covered at the recent L&R meeting, he would limit his report to just a few items. "The Good Moral Character and Repute" requirement was discussed at the meeting, and Mr. Folk requested additional advice from Assistant Attorney General, Elizabeth Campbell, concerning this matter.

There was discussion considering development of a disciplinary penalty matrix for imposing consistent penalties throughout the Enforcement unit. It was determined that the item was referred back to the Board for additional direction, but no action was taken on this item. The Committee discussed whether the Board can take disciplinary action against registrants listed on the Firm card as a "principal," for violations committed by the firm. It was determined that the Board has discretion to take action against registrants listed on the Firm card.

No action was taken on this item.

The Committee discussed whether registered landscape architects may legally refer to themselves as “professional landscape architects.” It was determined that they may, but at present it is in conflict with the only allowable seal which states “registered landscape architect.” Therefore the committee asked that the Board considers amending the Rule R4-30-303(A) to allow for “professional landscape architect.”

2. Budget Committee – No additional information was offered.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Maltos announced that the next meeting of HIRS will be on October 3, 2012. No report was given.
4. Environmental Remediation Rules and Standards Committee (“ERRSC”) – No report was given.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (“NCEES”) – Deputy Director, Melissa Cornelius, Jason Madison, and Robert Stanley attended the meeting of NCEES which was held August 22 through 24, 2012 in St. Louis, MO.
The Council is doing very well financially. Most of the work was done on the Bylaws and changes to the Model Law for computer based testing. The changes for computer based testing for the Fundamentals of Engineering and Fundamentals of Surveying will start in January of 2014. All the other branches will start as quickly as they can, although the structural engineers say they’ll be sitting it out for some time until they see how things go. NCEES will offer a software engineering examination in April, 2013.
2. National Council of Architectural Registration Boards (“NCARB”) – Mr. Marley announced that he would be attending the next “Conceptualize Strategize Implement” (“CSI”) convention at ASU on September 12, 2012 and the Western Mountain Region American Institute of Architects (“AIA”) conference at Tuscon on October 11 and 12, 2012. No report was given.
3. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady announced that Deputy Director, Melissa Cornelius and he will be attending the next meeting of CLARB to be held September 6 through 8, 2012, in San Francisco, CA.
4. National Association of State Boards of Geology (“ASBOG”) – Chairman Eric Weiland will be attending the next meeting to be held October 30 through November 3, 2012, in Omaha, NE.
5. Public Member News/Information – Mr. Folk reported that he had been doing research on what might be done to ease registration for military applicants. He hopes to have a full report for the next Board meeting and include in it how Military experience may be used for reference.

16. FUTURE BOARD MEETINGS

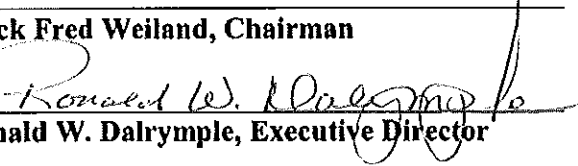
A. Tuesday, September 25, 2012 at 9:30 a.m.

B. Suggested topics for future agendas – None made

17. ADJOURNMENT – Meeting adjourned at 12:38 p.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director